D.B.CIVIL WRIT PETITION NO. 7235/2005
Bhawani Singh v. State of Rajsthan & ors.

Date of order : 04.01.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Rajesh Joshi for the petitioner
Shri B.L.Tiwari, Dy. Govt. Advocate.

This writ petition has been filed as a public interest litigation seeking direction upon the respondents to sanction areas mentioned in the letter of the Project Officer, Department of Science and Technology, Government of Rajasthan dated 2.1.2002 for implementation of watershed programme under a scheme approved by the Government of India, in accordance with clause 15 of the Watershed Scheme and the notification of the State Government dated 10.1.2002. The areas in question are in Phalodi and Bap blocks. The petitioner has also questioned sanction of certain areas for implementation of the watershed programme vide letter of the Chief Executive Officer, Zila Parishad (Rural Development Cell) dated 20.6.2005 as not being in accordance with the scheme or the notification of the State Government referred to above.

In the reply the respondents have inter alia stated that State Remote Sensing Application Centre (SRSAC) has identified areas for implementation of the watershed programme after scientific

survey and 35,610 hectares area falling within Panchayat Samiti, Phalodi has been sanctioned for the purpose. Inasmuch as the sanction is on the basis of scientific data it is not possible for this Court to make interference. It is the admitted position that the scheme is being implemented in phases. In other words, sanction with respect to areas mentioned in the aforementioned letter of the Department of Science and Technology dated 2.1.2002 may be accorded in due course of time. Since the scheme is to be implemented in phases, we are of the view that this writ petition seeking direction to sanction the scheme for the areas in question is pre-mature.

After we made these observations, counsel sought permission to withdraw this writ petition with liberty to make representation to the appropriate authority.

Writ petition is dismissed as withdrawn with liberty to make representation.

(GOVIND MATHUR) J. (S.N.JHA), C.J.

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